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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,581	04/25/2001	Jafar S. Nabkel	1849 (42059-01300)	7728
22193	7590	05/24/2005	EXAMINER	
QWEST COMMUNICATIONS INTERNATIONAL INC LAW DEPT INTELLECTUAL PROPERTY GROUP 1801 CALIFORNIA STREET, SUITE 3800 DENVER, CO 80202			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,581

Applicant(s)

NABKEL ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-29 and 31-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-29 and 31-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-28-05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendment

This Office Action is in response to a communication made on February 28, 2005.

Claims 1, 3-29, and 31-56 are pending in this application.

The Information Disclosure Statement was received February 28, 2005 and has been considered.

Terminal Disclaimer

The terminal disclaimer filed on February 28, 2005 disclaiming the terminal portion of any patent granted on this application has been reviewed and is NOT accepted.

An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c).

Double Patenting

Claims 1, 3-29, and 31-56 are rejected under the judicially created doctrine of double patenting over claim 1-4 and 12-35 of U. S. Patent No. 6674725 since the claims of the patent contain every element of the instant application and as such anticipates the claims of the instant application.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding obviousness-type double patenting because the claims at issue were obvious over the claims in four prior art patents); In re Berg,

Art Unit: 2155

140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus).” ELI LILLY AND COMPANY V BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 3-10, 13-29, 31-38, and 41-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Emery (5610972).

Regarding claims 1 and 29, Emery discloses a system for providing integrated control of at least one communication service provided by at least one communication service provider (Column 8, lines 3 – 14) comprising: at least one integrated services controller (ISC) connectable to a plurality of communications networks so as to communicate with system entities (Column 9, lines 6 – 11), wherein the at least one ISC is configured to dynamically receive a message registration list (MRL) through an interactive exchange of one or more commands (Column 9, lines 14 – 19), and registering one or more messages each of the at least one communication services has a notification interest in (Column 21, lines 21 – 35) at least one ISC is further configured to provide centralized prioritized processing for the one or more messages exchanged with the other system entities through use of intelligent prioritization rules (Column 18, lines 27 – 35; Column 19, lines 23 – 25; lines 38 – 65).

Regarding claims 3 and 31, Emery discloses that at least one ISC is further configured to control the at least one communication service for an individual person customer (Column 9, lines 14 – 19).

Regarding claims 4 and 32, Emery discloses that at least one ISC is further configured as a child member within a group all related to a parent ISC that manages a customer group of related individual persons or a group of related ISC groups (Column 27, lines 1 – 20).

Regarding claims 5 and 33, Emery discloses that at least one ISC is further configured to control the at least one communication service for a plurality of individual person customers (Column 9, lines 14 – 19).

Regarding claims 6 and 34, Emery discloses at least one ISC is further configured to monitor the high-level current state of each of the at least one communication services (Column 30, lines 34 – 43).

Regarding claims 7 and 35, Emery discloses that the intelligent prioritization rules are dynamically configurable by the at least one communications service provider so as to effect the prioritization of the at least one communication services by the at least one ISC (Column 28, lines 60 – 64).

Regarding claims 8 and 36, Emery discloses that the message registration list (MRL) is statically established with the at least one ISC through parameters set within the at least one ISC, from each of the at least one communication service providers (Column 9, lines 14 – 17).

Regarding claims 9 and 37, Emery discloses that at least one ISC is further configured to relay the MRL for each of the at least one communication services to one or more of the system entities (Column 13, lines 24 – 28).

Regarding claims 10 and 38, Emery discloses that the system entities may include at least one a transport association controller (TAC), association state manager (ASM), message broker (MB), and another integrated services controller (ISC) (Column 13, lines 56 – 67).

Regarding claims 13 and 41, Emery discloses that at least one ISC is further configured to receive a profile of service-specific parameters settable by at least one of a customer or the service which may contain one or more variable entries from each of the at least one communication services defining a service profile for said at least one communication service (Column 28, line 60 – Column 29, line 5).

Regarding claims 14 and 42, Emery discloses the service profile adheres to a profile schema pre-defined by the at least one ISC which includes at least one master key field shared across the at least one communication services and may comprise at least one service- specific field unique to each of the at least one communication services (Column 29, lines 20 – 23).

Regarding claim 15 and 43, Emery discloses that the profile schema defines a visibility attribute settable by the at least one communication service providing at least one level of visibility setting that defines whether the service-specific field for said service are visible to other services when merged by at least one ISC (Column 25, lines 6 – 19, lines 51 – 60).

Regarding claims 16 and 44, Emery discloses that the profile schema supports a default entry for each of the at least one service-specific field settable by at least one of a customer or the service wherein if defined establishes a default setting for said field whereby all other entries in the profile schema establish exceptions to the default entry (Column 9, lines 14 – 16).

Regarding claims 17 and 45, Emery discloses that the profile schema supports a child ISC modifiability attribute for each of the at least one master key field and each of the at least one service-specific field settable by at least one of a customer or the service wherein if defined establishes a default setting of modifiability for said field by other child ISCs related to said at least one ISC (Column 18, lines 14 – 21; Column 9, lines 17 – 27).

Regarding claims 18 and 46, Emery discloses that the entry values for at least one master key field and possible service-specific field in the service profile are dynamically communicated, through an interactive exchange of one or more commands, wherein the current entry values for the at least from each of the at least one communication services to the at least one ISC at the time the said service is installed (Column 9, lines 17 – 27).

Regarding claims 19 and 47, Emery discloses that at least one ISC is further configured to automatically merge shared master key fields of the service profile from each of the at least one communication services and append corresponding service-specific fields from each of the at least one communication services into a merged multi-service profile (MMSP) (Column 21, lines 21 – 35).

Regarding claims 20 and 48, Emery discloses a user interface connectable to the at least one ISC which provides for viewing and editing access to all or a portion of the MMSP (Column 29, lines 6 – 27).

Regarding claims 21 and 49, Emery discloses a first ISC is further configurable to communicate with at least one other ISC to provide inter-ISC integration (Column 26, lines 40 – 47).

Regarding claims 22 and 50, Emery discloses that one of the at least one ISCS may be configured as a master ISC and another of the at least one ISCS may be configured remote ISC relative to the master ISC for a specific customer (Column 27, lines 1 – 20).

Regarding claims 23 and 51, Emery discloses that the master ISC may restrict access to the at one or more messages and capabilities of the remote ISC (Column 27, lines 1 – 20).

Regarding claims 24 and 52, Emery discloses a plurality of the at least one ISCS may be configured as peer ISCS (Column 13, lines 56 – 67).

Regarding claims 25 and 53, Emery discloses that one of the at least one ISCS may be configured as a standalone ISC within a hierarchy of the at least One ISCS (Column 13, line 56 – Column 14, line 2).

Regarding claims 26 and 54, Emery discloses that at least one ISCS may be configured as at least one of: a master ISC to other remote ISCS, a remote ISC to other of the master ISCS, a peer ISC to other peer ISCS, or a standalone ISC (Column 26, lines 40 – 47).

Regarding claims 27 and 55, Emery discloses that the other ISC may be provisioned in the same network domain operated by the same communication service provider as the first ISC (Figure 2, element 40 and 50).

Regarding claims 28 and 56, Emery discloses that at least one other ISC may be provisioned in a different network domain operated by a different communication service provider as the first ISC (Column 26, lines 40 – 47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-12 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery in view of Lawson (5721825).

Regarding claims 11 and 39, Emery discloses registering interest lists and relaying that list to other system entities, but does not explicitly indicate that the interest list is based on events. Lawson discloses a system where users register their interest in events with a defined profile (Column 4, lines 45 – 53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Lawson's teaching of an event registration list in Emery's system in order to receive notices from a system, but only those notices that a user is interested in receiving (Column 2, lines 50 – 67).

Regarding claims 12 and 40, Emery discloses that the system entities may include at least one a transport association controller (TAC), association state manager (ASM), message broker (MB), and another integrated services controller (ISC) (Column 13, lines 56 – 67).

Response to Arguments

Applicant's arguments filed February 28, 2005 have been fully considered but they are not persuasive.

The applicant argues that the reference, Emery discloses that PCS microcell controller rather than the ISC performs the prioritized registration. The examiner disagrees, the registration process occurs by registering the handsets with local controllers, but is performed by the ISC as seen in the disclosure (Column 18, lines 27 – 35; Column 19, lines 23 – 25; lines 38 – 65). The ISC receives a message from the controller to validate the registration of the PCS handset in that controller, and that registration is carried out according to a priority (Column 18, lines 27 – 35) and is registered to the controller by the ISC (Column 19, lines 50 – 55).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2155

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

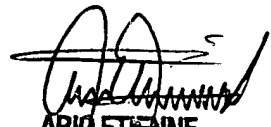
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

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May 17, 2005


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